



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 13 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Numbers: 7005 3110 0000 5967 8633 - 7005 3110 0000 5967 8640

Joe Pizzirusso
New York Recycling and Materials
180 Roger Ave.
Inwood, NY 11096

Chris Pizzirusso
New York Recycling and Materials, LLC
2300 E. 69th Street
Brooklyn, NY 11234

**Re: OVERDUE NOTICE/NONCOMPLIANCE NOTIFICATION
Request for Information, Pursuant to Section 308 of the Clean Water Act;
New York Recycling and Materials 180 Roger Ave. Inwood, NY
Docket No. CWA-IR-14-009
NPDES ID No. NYU008060**

Dear Messrs. Pizzirusso:

New York Recycling and Materials has failed to comply with the subject Request for Information ("RFI") dated January 21, 2014 and which was received by you on January 27, 2014. The RFI required submittals to the U.S. Environmental Protection Agency ("EPA") within forty five (45) calendar days of receipt of the RFI. Therefore the response was due on March 13, 2014. To date, May 6, 2014, no response has been received by EPA. EPA called NYRM on several occasions including March 13, 2014, April 10, 2014, April 30, 2014, May 7, 2014 and told them that a response to the RFI was due. The Request for Information was also resent via email to Mr. Chris Pizzirusso at the company's email address jplcorp@aol.com on April 30, 2014.

Section 308(a) of the Clean Water Act ("CWA"), 33 U.S.C. §1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. §1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the Clean Water Act, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

Compliance with the provisions of the RFI is mandatory. If you do not respond fully and truthfully to this Information Request or adequately justify your failure to do so, you may be subject to civil penalties or criminal fines under Section 309 of the Act, 33 U.S.C. §1319, under which injunctive relief and penalties may be sought. Such an enforcement action may include the assessment of penalties of up to \$37,500 per violation, for each day of continued non-compliance.

Within ten (10) days of receipt of this letter, please submit all of the information required by the subject RFI. Should you have any questions regarding this request, contact Mr. Murray Lantner, P.E. Environmental Engineer at (212) 637-3976 or myself at (212) 637-4268.

Sincerely,

A handwritten signature in dark ink, appearing to read "Murray Lantner for". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Justine Modigliani, P.E., Chief
Compliance Section

cc: Joe DiMura, NYSDEC Albany w/enclosure
William H Rockensies, Commissioner, Engineering Department, Town of Hempstead
Yousef Habibian, CEO, Etgar Realty Corp.
Mr. Pizzirusso via email, JPL Corp.
Sara Dorman, NYSDEC Region 1 via email
Ernie Lampro, NYSDEC Reg. 1, Division of Materials Man. via email